

REMARKS

Claims 1, 2, 4-13, 15-18, and 20-38 are pending in this application. For purposes of expedition, claims 3, 14 and 19 have been canceled without prejudice or disclaimer. Claims 1, 12 and 32 have been amended to incorporate limitations of the canceled claims 3, 14, and 19 in accordance with current Office policy, to further define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. Dependent claims 2 and 13 have been amended for purposes of consistency. Since the limitations of claims 3, 14 and 19 have already been considered by the Examiner, and now incorporated into base claims 1, 12 and 32 for purposes of expedition, entry of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because no new issues are raised and no further search is required, and the foregoing amendments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance.

Claims 1, 2, 8-13, 15-27 and 31-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ito et al., U.S. Patent No. 5,881,032 for reasons stated on pages 2-6 of the final Office Action (Paper No. 20061018). Again, in support of the rejection of Applicants' base claims 1 and 12, the Examiner asserts that Ito '032 discloses an information storage medium comprising:

"a user data area, wherein information about the user data are, where user data is recorded, is recorded in at least one of an area right before and an area right after a basic recording unit of the user data area (col. 2, lines 6-11 and figure 11)."

However, the Examiner's assertion is factually incorrect. Features of Applicants' base claims 1 and 12 are **not** disclosed or suggested by Ito '032. As previously explained, Applicants' base claims 1 and 12 define an information storage medium having a user data area to record user data and a method of recording and reproducing user data in which information about the user data area, where user data is recorded, is recorded in [and read from] at least one of an area right before and an area right after a basic recording unit of the user data area. In other words, these areas are outside of each basic recording unit, and are not part of any header of each basic recording unit, as mistakenly believed by the Examiner. This way the information storage medium, i.e., an optical disk having one or more recording layers, can advantageously be used as either a recordable storage medium (having groove wobbles) or a reproduction-only (read only) storage medium (having no groove wobbles); see paragraphs [0026], [0034], [0048] and [0049] of Applicants' specification.

In contrast to Applicants' base claims 1 and 12, Ito '032 discloses an optical disk, as shown in FIGs. 1A-1D, having nothing more than a plurality of storage layers. Information about a user data area, which the Examiner has alleged as "address information" as shown in FIG. 11, is recorded in a header of each sector. Specifically, the Examiner cites FIG. 11 of Ito '032 for disclosing an internal structure of each sector, which is a basic recording unit as described on col. 1, lines 38-39 of Ito '032, as comprising:

"a header containing the address uniquely identifying the sector, a data block to which user data is recorded, and an error correction code (ECC) block to which is recorded a code used for error correction during reproduction."

As described in the above text and clearly shown in FIG. 11, information about a user data area of Ito '032 is recorded in a header of each basic recording unit, and **not** in at least one of an area right before and an area right after a basic recording unit of the user data area, as expressly defined in Applicants' base claims 1 and 12.

On page 7 of the final Office Action (Paper No. 20061018), the Examiner seems to recognize the recording of information about a user data area in a header as part of a basic recording unit, as opposed to the recording of information about a user data in at least one of an area right before and right after a basic recording unit. Nevertheless, the Examiner argues that,

"the header shown in figure 11 is used to identify the location of the disc where user data is recorded (col. 2, lines 7-11), which is exactly what Applicant claims in claims 1 and 12. Further, in relation to claims 2 and 13 in combination of claims 1 and 12, the header is shown in figure 11 is recorded in the area right before the data area, which is well know in the art to be composed of multiple frames, and, as the case in Maeda, multiple blocks/sectors (figures 2 and 3). Therefore, the rejection of claims 1, 2, 12 and 13 under 35 USC §102(b) based on Ito is still deemed to be proper."

However, the Examiner's argument belies the well-know composition of a basic recording unit in a user data area, which in the case of Ito '032, is a sector (as shown in FIG. 11) having at least two basic components: (1) a header containing the address uniquely identifying the sector, and (2) a data area in which user data is recorded. Again, as clearly shown in FIG. 11, information about a user data area of Ito '032 is recorded in a header inside a basic recording unit, and **not** in at least one of an area right before and an area right after a basic recording unit (outside a basic recording unit) of the user data area, as expressly defined in Applicants' base claims 1 and 12.

For purposes of expedition, base claims 1, 12 and 32 have been amended to clearly define that,

"a user data area provided with a sequence of basic recording units to

record user data,
wherein information about the user data area, where user data is recorded, is recorded in at least one of an area right before and an area right after each basic recording unit of the user data area, disposed between successive basic recording units in the user data area."

As now defined in Applicants' base claims 1, 12 and 32, the header shown in FIG. 11 of Ito '032 cannot be construed by the Examiner to read on Applicants' claimed "[an] area right before" and "[an] area right after" that are "disposed between successive basic recording units in a user data area".

Moreover, base claims 1, 12 and 32 have also been amended to incorporate all limitations of the canceled claims 3, 14, and 19, that is, the basic recording unit of the user data area is a physical cluster, and the information about the user data area is recorded in at least one of a run-in area and a run-out area that is right before and after the physical cluster, respectively. As amended, the rejection should be moot, since Ito '032 only discloses that the address information is recorded inside sector.

In view of these reasons, including the noted deficiencies of Ito '032, i.e., failing to disclose key features of Applicants' base claims 1, 12 and 32, Applicants respectfully request that the rejection of base claims 1 and 12 and their respective dependent claims 2-11 and 13-31 be withdrawn.

Lastly, claims 3-7, 14 and 28-30 have been newly rejected under 35 USC §103(a) as being unpatentable over Ito '032, as modified to incorporate selected features from Maeda, U.S. Patent No. 5,337,295 for reasons stated on pages 5-6 of the final Office Action (Paper No. 20061018). As previously discussed, claims 3, 14 and 19 have been canceled without prejudice or disclaimer, and their limitations have been incorporated into base claims 1, 12 and 32. With regard to the rejection of Applicants' claims 4-7 and 28-30, the Examiner admits that Ito '032 fails to disclose where a basic recording unit is a physical cluster, but cites FIG. 2 (linking sector) and column 9, lines 12-14 of Maeda '295 for allegedly disclosing the missing feature and providing the motivation to combine in order to arrive at Applicants' claims 4-7 and 28-30. However, Applicants submit that the rejection is improper, in view of the clear distinctions set forth in Applicants' base claims 1, 12 and 32 relative to Ito '032. Moreover, to the extent that the rejection may still be applicable, Applicants further traverse this rejection, noting that the linking sectors, L1-L4, as shown in FIG. 2 of Maeda '295 do **not** correspond to Applicants' claimed "area right before" and "area right after" that are "disposed between successive basic recording units in a user data area" as defined in Applicants' base claims 1, 12 and 32. This is because the linking sectors, L1-L4, as shown in FIG. 2 of Maeda '295, are used to record sub-data, and

are actually part of what Maeda '295 describes as a basic recording unit. As shown in FIG. 2, each basic recording unit has a cluster of 32 sectors and 4 linking sectors, totaling 36 sectors, as described on column 9, line 4, and lines 20-21 of Maeda '295. More importantly, these linking sectors do **not** record "any information about a user data area" as defined in Applicants' base claims 1, 12 and 32. In short, neither Ito '032 nor Maeda '295 discloses Applicants claimed "basic recording unit of the user data area" that is "a physical cluster, and the information about the user data area is recorded in at least one of a run-in area and a run-out area that is right before and after the physical cluster, respectively" as defined in Applicants' base claims 1, 12 and 32.

In view of these reasons, including the noted deficiencies of Ito '032, Applicants respectfully request that the rejection of claims 3-7, 14 and 28-30 under 35 USC §103(a) be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505 ext. 232. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

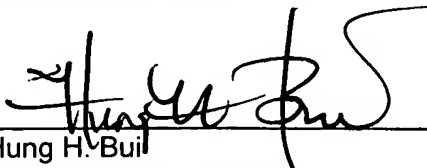
Respectfully submitted,

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